

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY,

Plaintiff,

v.

DC COMICS, INC.; DC COMICS; DC
ENTERTAINMENT, INC.; WARNER
BROS. DISCOVERY, INC.; and DOES 1-10,

Defendants.

Case No. 1:25-cv-00910-JMF

**DEFENDANTS' NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION OR, IN THE ALTERNATIVE, TO
TRANSFER VENUE**

PLEASE TAKE NOTICE that Defendants DC Comics Inc., DC Comics, DC Entertainment,¹ and Warner Bros. Discovery, Inc. (“DC”) hereby move this Court for an Order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing Plaintiff’s Complaint for lack of subject matter jurisdiction, or, if the Court finds jurisdiction, for an Order pursuant to 28 U.S.C. § 1404(a) transferring this case to the U.S. District Court for the Central District of California. This motion is based upon the concurrently filed memorandum of law, the accompanying declaration of Wayne M. Smith and exhibits attached thereto, all matters of which the Court may take judicial notice, and any other argument and evidence that may be presented to the Court.

Dated: March 5, 2025

Respectfully submitted,

O’MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli

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¹ The Complaint erroneously names “DC Entertainment, Inc.” and not “DC Entertainment,” a former assumed name of one of DC Comics’ partners, E.C. Publications, Inc.